IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21956 of 2004

Between:

Vallurupalli Jagedeswara Rao, S/o. Late Buchabaiah,
R/o. Kamsaligunta, Vunguturu Mandal, West Godavari District.

..... PETITIONER

AND

1 The Superintendent of Police, Eluru, West Godavari District.
2 Sub-Inspector of Police, Chepurolu, Vunquturu Mandal, West Godavari District.
3 Mandru Pothuraju @ Pothaiah, S/o. Venkanna,
R/o. Kamsaliqunta, Vunquturu Mandal, West Godavari District.
4 Madru Gangadhar Rao @ Gangaraju, S/o. Potharaju,
R/o. Kamsaliqunta, Vunquturu Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, especially one in the nature of WRIT OF MANDAMUS declaring the action of the 1st and 2nd respondents not extending proper protection to the petitioner to protect their property in pursuance of his complaint dt. 8-11-2004 as illegal, intentional, malafide, arbitrary, consequently direct the 1st the 2nd respondents to take suitable action to protect the possession of the petitioner in view of the circumstances of the case.

Counsel for the Petitioner:MR.K.V.BHANU PRASAD

Counsel for the Respondents 1 and 2: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner states that he is cultivating the lands in agency area and that respondents 3 and 4 are interfering with his possession and enjoyment over the land. It is his case that though the Court of Senior Civil Judge, Tadepalligudem passed orders in I.A.No.213 of 1996 in O.S.No.21 of 1996 granting temporary injunction, respondents 3 and 4 are still interfering with his possession. According to him, a complaint was submitted to the second respondent narrating the unlawful and objectionable activities of respondents 3 and 4, but still no action was taken by the second respondent.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

When the writ petition came up for admission on 30.11.2004, this Court passed an interim order to the effect that the second respondent shall ensure that the order passed by the Court of Senior Civil Judge, Tadepalligudem in I.A.No.213 of 1996 in O.S.No.21 of 196 is honoured by the parties concerned or persons claiming through them.

Learned counsel for the parties submit that pursuant to the orders of this Court, the second respondent required respondents 3 and 4 to appear before him and had secured written undertakings to the effect that they shall not interfere with the possession and enjoyment of the land by the petitioner. In that view of the matter, the grievance of the petitioner stands almost redressed.

Hence, the writ petition is disposed of. It is made clear that in case respondents 3 and 4 resort to any acts contrary to the undertakings furnished by them, the second respondent shall take immediate and necessary steps. No order as to costs.

06.12.2004

ksld

To

1 The Superintendent of Police, Eluru, West Godavari District.
2 Sub-Inspector of Police, Chepurolu, Vunquturu Mandal, West Godavari District.
3 Two CCs to the G.P. for Home, High Court of A.P., Hyderabad (OUT).

4 Two CD copies.